

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Section 68.4 of the Commission's Rules) WT Docket No. 01-309
Governing Hearing Aid Compatible)
Telephones)
)
Cingular Wireless LLC Petition for Waiver of)
Section 20.19(c)(3)(i) of the Commission's)
Rules)

To: The Commission

**CINGULAR WIRELESS LLC
HEARING AID COMPATIBILITY COMPLIANCE REPORT**

Cingular Wireless LLC (“Cingular”) hereby submits its additional hearing aid compatibility compliance report in accordance with paragraph 23 of the *Cingular Waiver Order*.¹ In the *Cingular Waiver Order*, the Commission conditioned its grant of relief in part on Cingular’s filing a report by February 1, 2006, “includ[ing] detailed information that describes and discusses with specificity the status of its efforts to offer dual-band GSM handsets that achieve a rating of U3 or higher in the 850 MHz band in addition to the 1900 MHz band.”² In its November 17, 2005 semiannual report, Cingular accepted the waiver conditions set forth in the

¹ *Section 68.4(a) of the Commission’s Rules Governing Hearing Aid-Compatible Telephones, Cingular Wireless LLC Petition for Waiver of Section 20.19(c)(3)(i)(A) of the Commission’s Rules*, Memorandum Opinion and Order, 20 F.C.C.R. 15108, ¶ 23 (2005) (“*Cingular Waiver Order*”).

² *Id.*

Cingular Waiver Order, including the filing of the instant report.³ Consistent with the Commission’s instructions in the *Cingular Waiver Order*, by this filing Cingular principally provides an update of the C63.19 standards development process since its November 2005 Report.⁴

I. BACKGROUND

In the *Cingular Waiver Order*, the Commission largely adopted the HAC Incubator Working Group 9 (“WG-9”) recommendation “that the Commission accept in the short-term the hearing aid compatibility rating of a dual-band [GSM] handset ... based on its operation in the 1900 MHz band only ...”⁵ The Commission determined that grant of WG-9’s recommendation would “allow manufacturers to focus on the critical goal of resolving the technical issues that impact GSM digital wireless handsets, and introducing, as quickly as possible, fully compliant dual-band handsets.”⁶

WG-9 noted that “there is no discernable difference in user experience between M1/M2-rated 850 MHz wireless devices and M3-rated 1900 MHz wireless devices.”⁷ Apprised of these findings, the Commission “strongly encourage[d] Cingular and all interested stakeholders” to “continue to work the resolve the current technical challenge within the standards context” and “urge[d] that all parties work to complete this work in time to achieve compliance in the 850

³ Cingular Wireless Acceptance of Waiver Conditions and Hearing Aid Compatibility Semi-Annual Status Report, WT Docket No. 01-309, filed November 17, 2005 (“November 2005 Report”) at 5.

⁴ *Id.*

⁵ *See Cingular Waiver Order* ¶ 6.

⁶ *See id.* ¶ 17.

⁷ *See id.* (citing Letter from Thomas Goode, ATIS, WT Docket No. 01-309, filed Aug. 1, 2005, at 3).

MHz band” by August 1, 2006.⁸ To that end, Cingular is pleased to report significant progress toward resolving these issues through the standards development process. While issues have arisen in that context – some related to the 850 MHz GSM issue, others not – Cingular now anticipates that the C63-19-2005 standard will be amended in time to achieve compliance in the 850 MHz band.

II. UPDATE OF STANDARDS BODIES EFFORTS

As previously reported, Cingular is an invited voting participant member company of ANSI ASC C63 and has been actively involved in the development of the latest version of the C63.19-2005 standard. Cingular is also a member of the ATIS HAC Incubator (AISP.4-HAC) and participates in all of its active working groups. Notably, Cingular has contributed to the Working Group 4 (“WG-4”) Test Plan: Hearing Aid Compatibility Technical Specification (HACTS), and took a key leadership role in Working Group 9 (“WG-9”), which was charged with examining issues surrounding handsets operating at the 850 MHz band with up to 2 watts of power. Significant progress toward resolving both matters has occurred since Cingular’s and ATIS’s November 17th semiannual reports.

In its November 17, 2005 report, ATIS explained that based on testing undertaken by DELTA-TAL Labs, a frequency band field strength immunity differential of at least 10 dB exists between most hearing aids and GSM handsets operating at 850 MHz and 1900 MHz.⁹ Based on these results, which largely confirmed Cingular’s own actual testing experience, the HAC Incubator recommended that the ANSI C63 committee revise the standard to more accurately

⁸ See *id.* ¶¶ 17, 18.

⁹ See ATIS November 2005 Report at 16. A GSM handset achieving an M1 or M2 rating at 850 MHz under the current standard will achieve, respectively, an M3 or M4 rating under the revised standard.

account for this frequency band difference.¹⁰ In December 2005, ATIS notified the Commission of these developments and, importantly, noted that all represented stakeholders – the Hearing Industries Association, mobile handset manufacturers, mobile service providers, the Hearing Loss Association of America (formerly SHHH), and the Telecommunications Access RERC – either endorse or do not oppose the proposed change reflecting the 10 dB RF level band differentiation.¹¹

Since late 2005 through today, WG-4, in conjunction with ANSI ASC C63, has worked to modify the C63.19 standard to incorporate the 10 dB differential. C63 subjected Version 3.12 of the C63.19 standard to balloting, which closed December 19, 2005. Version 3.12 included the 10 dB differential, and Cingular voted in favor of the revised standard. While Version 3.12 was adopted at that time, there were a few negative votes due to concern for the T-Coil measurement issues unrelated to the M-rating/10 db differential component of the revised standard.¹² WG-4 has worked to address these concerns for the purpose of developing a consensus approach to the revised standard and, since then, those parties have agreed to reverse their negative votes.

In light of the now consensus approach to the finalization of Version 3.12, Cingular anticipates that the revised standard will be officially adopted as early as June 2006, which should provide adequate time for Telecommunications Certification Bodies (“TCBs”) to incorporate the revisions into their testing, manufacturers to submit product for certification, and for Cingular and other service providers who have invoked the relief provided under the

¹⁰ *See id.*

¹¹ *See* Letter from Thomas Goode, ATIS, to Julius P. Knapp, Deputy Chief, Office of Engineering and Technology, WT Docket No. 01-309, dated Dec. 6, 2005, at 2.

¹² With respect to T-Coil issues, industry has scheduled further discussions and testing in February 2006.

Cingular Waiver Order, to have new handsets certified (or existing handsets re-certified) and commercially available for subscribers under the revised standard in advance of the August 1, 2006 date. Cingular has maintained regular contact with its handset vendors to encourage their continued participation and support for the revised standard and to ensure that they will be in a position to certify products under the new standard in advance of the August 1, 2006 date.¹³

Assuming that the June 2006 date for the revised standard reflecting the 10 dB differential holds firm, that TCBs are able to incorporate the revised standard expeditiously, and that vendors are able to timely obtain any necessary certifications for their products, Cingular is currently hopeful that vendors will be able to satisfy its requests for compliant dual-band handsets in a timely manner to ensure compliance with the upcoming August 1, 2006 and September 16, 2006 dates.¹⁴ Cingular continues to monitor vendors' progress and will provide updated information in this regard not later than its May 2006 report.¹⁵ Cingular will also

¹³ Cingular has instituted a number of measures to help ensure that its vendors will be in a position to certify products under the new standard in advance of the August 1, 2006 date. These include: conducting recurring weekly calls with each vendor to review all technical and regulatory issues regarding HAC; performing on-site visits to vendors' laboratories to ensure proper compliance and execution of C63.19 testing protocols; and organizing inter-vendor test sessions at Cingular's Austin, Texas laboratory.

¹⁴ Cingular presently offers seven handsets that are compliant under the terms of the *Cingular Waiver Order*, and Cingular expects that many of those same handsets, which meet an M1 or M2 rating at 850 MHz under the current C63.19 standard, will be compliant with the revised standard as well. Cingular is concerned, however, that the limited time available between the finalization of Version 3.12 of the C63.19 standard and the August 1, 2006 compliance date affords little room for delays in addressing critical issues such as TCB certification, labeling requirements and sales materials. TCBs must incorporate the revised standard expeditiously in any new certification requirements, and Cingular urges the Commission to encourage and facilitate TCBs' efforts in this regard.

¹⁵ Cingular recently initiated inquiries with its handset vendors regarding the projected availability of compliant handsets to meet the August 1 and September 16 deadlines. To date, Cingular has not received definitive commitments from its vendors. Cingular continues to address this matter with each of its vendors on an individual basis.

continue to provide information on its website concerning the hearing aid compatible handsets it offers to subscribers.¹⁶

In the hopefully unlikely event that procedural hurdles delay the finalization of the C63.19-2005 revision, given the broad consensus behind the 10 dB differential the Commission would be well-positioned to allow testing to proceed under either the existing version or the revised Version 3.12. Such action would be akin to the action OET undertook in April 2005 to allow testing under the 2001 version or the then-pending draft 2005 version of the standard¹⁷ – which, as the Commission is aware, helped to expedite the deployment of hearing aid compatible handsets for persons with disabilities.¹⁸

III. CONCLUSION

For the foregoing reasons, industry has made significant progress toward resolving the C63.19 standards issues that contributed to Cingular's and other GSM carriers' and manufacturers' difficulties with 850 MHz GSM dual-band handsets. Moreover, industry is now

¹⁶ See http://www.cingular.com/about/hearing_aid_compatibility#devices.

¹⁷ See Public Notice, *OET Clarifies Use of Revised Wireless Phone Hearing Aid Compatibility Standard Measurement Procedures and Rating Nomenclature*, DA 05-1134 (rel. Apr. 25, 2005).

¹⁸ See *Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, Order on Reconsideration and Further Notice of Proposed Rulemaking, WT Docket No. 01-309, 20 F.C.C.R. 11194, ¶ 14 (2005) (noting that OET's action contributed to stakeholders' flexibility in meeting the standard).

well-positioned to “offer dual-band GSM handsets that achieve a rating of U3 or higher in the 850 MHz band in addition to the 1900 MHz band” by August 1, 2006.

Respectfully submitted,

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